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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,254	11/26/2001	John C. Delo	MSFT118285	9977

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EXAMINER

ZHEN, WEI Y

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 02/27/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/994,254

Applicant(s)

DELO, JOHN C.

Examiner

Wei Y Zhen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 9-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the preliminary amendment filed on 6/25/2002 and the application file on 11/26/2001.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 26 is rejected under 35 USC because the claimed inventions are directed to non-statutory subject matter.

As per claim 26, the claim merely recites a data structure comprising various fields without creating any functional interrelationship, either as part of the stored data or as part of the computing processes performed by the computer ("acts"), then such descriptive material alone does not impart functionality either to the data as so structured or to the computer. Thus, such "descriptive material", non-functional descriptive material, that cannot exhibit any functional interrelationship with the way in which computing processes are performed does not constitute a statutory process, machine, manufacture or composition of matter. The purely non-functional descriptive material cannot alone provide the practical application for the manufacture.

Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760. **In re Sarkar**, 588 F.2d 1330, 1333, 200 USPQ 132, 137 (CCPA 1978). *See Examination Guidelines for Computer-Related Inventions-Final Version*, page 10. *See M.P.E.P. PP 2106(IV)(B)(1)(b)*. Since Claim 26 merely define a template for data structures and their contents. Because they are non-functional (without

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functional interrelationship) and do not comprise of any computing processing activity they are considered non-statutory subject matter.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 28-31, 9-27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aronberg et al, U.S. Patent No. 5,933,647 (Art of Record).

As per claim 1, Aronberg et al disclose that a database, at least one action row for representing an individual installation action taken as part of a standardized data driven software installation (*Fig. 4, dialog box 401...from which actions...are selected*); read an action values and causing an action specified by the action values to be performed by a computer as part of a standardized data driven software installation performed (*various actions which the user may select...actions are instructions that will be executed by the agent based workstation, such as 103 or 104...The profile is a set of instructions to the computers 103 and 104 on how to install an application*) at lines 23-26 of col. 4 and lines 26-37 of col. 5.

Aronberg et al don't explicitly disclose that the database having a first custom action table which having a plurality of action columns and an action row.

However, Official Notice is taken that tables with rows and columns to be used to store information are well known in the art at the same time the invention was made.

Therefore, it would have been obvious to one having ordinary skill in the art at the same time the invention was made to modify the teaching of Aronberg et al with the teaching of the well known knowledge that to have the database comprises first custom action table which having a plurality of action columns and an action row because it provides an efficient method to store information in the table and provides an easier access to these information.

As per claim 2, the rejection of claim 1 is incorporated and further Aronberg et al disclose that the action values specified an executable program at lines 23-37 of col. 5 (*...actions are instructions that will be executed...*).

As per claim 3, Aronberg et al don't explicitly disclose that the action value specifies a dynamically loadable module.

However, Official Notice is taken that dynamically loadable module is well known in the art at the same time the invention was made.

Therefore, it would have been obvious to one having ordinary skill in the art at the same time the invention was made to modify the teaching of Aronberg et al with the teaching of the well known knowledge that the action values specifies a dynamically loadable module because it provides an efficient method to conserve memory and made the modification to these modules easier without affecting the operation of the program.

As per claim 4, the rejection to claim 1 is incorporated and further Aronberg et al disclose that action values specifies a script at lines 35-38 of col. 2 (*...application have a special script file to guide the installation process*).

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As per claim 5, the rejection of claim 4 is incorporated and Aronberg et al don't explicitly disclose that the script is in a JavaScript syntax or a Visual Basic syntax.

However, Official Notice is taken that JavaScript syntax or a Visual Basic syntax is well known in the art at the same time the invention was made.

Therefore, it would have been obvious to one having ordinary skill in the art at the same time the invention was made to modify the teaching of Aronberg et al with the teaching of the well known knowledge that the script is in a JavaScript syntax or a Visual Basic syntax because it provides an efficient method to provide one with the flexibility to choose the type of language to implement the script.

As per claims 28-31, Aronberg et al discloses a name of an action, a source of an action, target for an action, a type of an action (Fig. 5, Fig. 10, Fig. 7).

As per claim 9, Aronberg et al disclose that identifying an action stored within a database; reading the action from the database at lines 23-37 of col. 5 (*clicking...on the particular action desired, the particular action is inherently identified before the clicking*); identifying a type for the action (*Fig. 5, step 502...an install type 502 is selected by the user...*); executing the action in a manner based on upon the type for the action (*...install type 502*); and communicating the results of the execution of the action to the installation program (*actions are instructions that will be executed by the agent based workstation, such as 103 or 104...The profile is a set of instructions to the computers 103 and 104 on how to install an application*) at lines 23-26 of col. 4 and lines 26-37 of col. 5.

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Aronberg et al don't explicitly disclose that the database having a first custom action table which having a plurality of action columns and an action row.

However, Official Notice is taken that tables with rows and columns to be used to store information are well known in the art at the same time the invention was made.

Therefore, it would have been obvious to one having ordinary skill in the art at the same time the invention was made to modify the teaching of Aronberg et al with the teaching of the well known knowledge that to have the database comprises first custom action table which having a plurality of action columns and an action row because it provides an efficient method to store information in the table and provides an easier access to these information.

Claims 10-13 are rejected for the reason set forth in the rejections of claims 3, 2, 4, 5.

As per claim 14, the rejection of claim 9 is incorporated and Aronberg et al don't explicitly disclose the action to be stored in a table of actions to be deferred until a commit action is executed.

However, Official Notice is taken that it is well known in the art at the same time the invention was made to receive a confirmation of a process is desired.

Therefore, it would have been obvious to one having ordinary skill in the art at the same time the invention was made to modify the teaching of Aronberg et al with the teaching of the well known knowledge to have the action to be stored in a table of actions to be deferred until a commit action is executed because it provides an efficient method to reduce the chance of processing an unnecessary process and reduces the computational cost.

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Claims 15-19 are rejected for the reason set forth in the rejections of claims 1-5.

Claims 20, 21, 22, 23, 24, 25 are rejected for the reason set forth in the rejections of claims 9, 3, 2, 4, 5, 14.

As per claim 26, Aronberg et al disclose data specifies a name of an action and a type of action (*Fig. 5*); data specifies a source for the action (*Fig. 10*); data specifies a target for the action (*Fig. 7*);

Aronberg et al don't explicitly disclose that an action is read from the source specified by the data and is submitted to an operating system component determined by the data field specifies a type of the action and wherein the action is started from a location determined by the data specifies the target.

However, Official Notice is taken that it was well known in the art at the same time the invention was made to process instructions according to the specified criteria attached to the instructions.

Therefore, it would have been obvious to one having ordinary skill in the art at the same time the invention was made to modify the teaching of Aronberg et al with the teaching of the well known knowledge to have an action is read from the source specified by the data and is submitted to an operating system component determined by the data field specifies a type of the action and wherein the action is started from a location determined by the data specifies the target because it facilitates the process of installing the software properly according the criteria

As per claim 27, Aronberg et al disclose that a database (*a dialog box 401...from which actions...are selected*); read an action values and causing an action specified by the action values for software installation to be performed by a computer, and the validation is inherently

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performed in order to install (*various actions which the user may select...actions are instructions that will be executed by the agent based workstation, such as 103 or 104...The profile is a set of instructions to the computers 103 and 104 on how to install an application*) at lines 23-26 of col. 4 and lines 26-37 of col. 5.

Aronberg et al don't explicitly disclose that the database having a first custom action table which having a plurality of action columns and an action row.

However, Official Notice is taken that tables with rows and columns to be used to store information are well known in the art at the same time the invention was made.

Therefore, it would have been obvious to one having ordinary skill in the art at the same time the invention was made to modify the teaching of Aronberg et al with the teaching of the well known knowledge that to have the database comprises first custom action table which having a plurality of action columns and an action row because it provides an efficient method to store information in the table and provides an easier access to these information.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aronberg et al (Art of Record), U.S. Patent No. 5,933,647 in view of Piskiel et al, U.S. Patent No. 5,893,911 (Art of Record).

As per claim 6, the rejection of claim 1 is incorporated and further Aronberg et al don't disclose explicitly that a first sequence table specifies an order in which to process the action.

However, Piskiel et al disclose that a table comprises information which identifies the order in which multiple actions are to be performed at lines 35-43 of col. 9 (*...an action_seq column (348 of table 344) which identifies the order in which multiple actions are performed*).

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Therefore, it would have been obvious to one having ordinary skill in the art at the same time the invention was made to modify the teaching of Aronberg et al with the teaching of Piskiel et al to have a first sequence table specifies an order in which to process the action because it facilitates the process of installing the program properly.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wei Y Zhen whose telephone number is (703) 305-0437. The examiner can normally be reached on Monday-Friday, 8 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Wei Zhen
Primary Examiner